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09/995,218	11/27/2001	John S. Wronski JR.	F-421	9211
919 7590 06/14/2007 PITNEY BOWES INC. 35 WATERVIEW DRIVE P.O. BOX 3000 MSC 26-22 SHELTON, CT 06484-8000			EXAMINER FELTEN, DANIEL S	
			ART UNIT 3693	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/995,218
Filing Date: November 27, 2001
Appellant(s): WRONSKI, JOHN S.

MAILED

JUN 14 2007

GROUP 3600

Joseph C. Kirincich
(Reg. No. 38,734)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 18, 2006 appealing from the Office action mailed January 14, 2004

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,500,513	LANGHANS et al	3-1996
6,339,766	GEPHART	1-2002

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(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langhans et al (US 5,500,513) in view of Gephart (US 6,339,766).

Langhans discloses a method, as in claims 1, 2, 4-9, 11-14 and 18-24 for authorizing purchases by an owner of an account previously established with a bank, the owner wanting to purchase an item from a merchant, the method and/or system comprising:

as in claims 15-17, having means and providing a plurality of authorization parameters available for use in calculating an authorization code associated with a transaction to purchase the item (see Langhans, Abstract, col. 1, 11.62 to col. 2, 11.8); and

having means and defining a selected subset of the plurality of authorization parameters (see Langhans, Abstract, col. 1, 11.62 to col. 2, 11.8); and

having means and establishing respective authorization parameter data for each of the selected authorization parameters (see Langhans, col. 1, 11.64 to col. 2, 11.8);

having means and calculating the authorization code corresponding to the established respective authorization parameter data (see Langhans, col. 7, 11.54+);

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having means and providing authorization code to the owner (see Langhans, col. 14, 11.6+);

having means and receiving the authorization code and transaction data from the merchant (see Langhans, Abstract, col. 1, 11.62 to col. 2, 11.8);

having means and calculating a confirmation authorization from the transaction data corresponding to the established respective authorization parameter data (see Langhans, col. 14, 11.6+); and

as in claims 3, 10, having means and comparing the authorization code with the confirmation authorization to determine whether or not to approve the transaction (see Langhans, col. 7, 11.54+).

Langhans fails to disclose that the owner may be an individual. Gephart discloses a limit use account system for an individual account (see Gephart abstract). It would have been obvious for an artisan at the time the invention was made to modify Langham's system so as to allow account ownership to be for an individual account rather than a company because an artisan at the time of the invention would have recognized the fact that there may be levels of security that an individual would like to establish in order to protect the individual against false or fraudulent uses/abused of the individual account. Thus an artisan of ordinary skill in the art would have sought to provide an individual with the same protections and securities as the company in the use or making certain transaction via authorization codes and/or confirmation codes. Thus to modify Langhans with consideration of an individual account would be considered an obvious extension of the teaching of Langhans as well as an obvious expedient to one of ordinary skill in the art.

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In the appellant's amendment filed October 27, 2003, independent claims 1, 8 and 18 were amended to include the language, "providing the authorization code to the merchant." This limitation is disclosed by Langhans wherein the authorization card with the authorization code is provided to the merchant to complete an authorization request (see Langhans column 2, lines 56+). Thus it would have been obvious to an artisan of ordinary skill in the art at the time of the invention to provide the authorization code to the merchant via the card to complete an authorization request to make purchases, as disclosed in Langhans.

(10) Response to Argument

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In this case, Langhans discloses a method of authorizing purchases by an owner of an account previously established with a bank where the owner wants to purchase an item from a merchant, where, as mentioned in the in the July 25, 2003 office action, the customer's account (in this case) is not necessarily an individual account but a company's account used by a company employee or representative (see Langhans, Abstract, column 1, line 62 to column 2, line 8; and column 5, lines 33-50). In Langhan's invention the system provides credit cards which have encoded on the a unique card account number (to include a bank identification number BIN) which identifies the card as one designated for *a purchasing control system*. When the user (or employee) makes a purchase and

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the merchant passes the card through a point-of-sale device or terminal, the card number is transmitted over a credit card authorization system to a remote central computer. The computer will detect that the card's bank identification number is one indicating the unique BIN and direct the authorization request to the centralized purchasing control computer system. The purchasing control system will then look up the account number and identify the hierarchical position of the account number. The appropriate test for that account number will be identified and applied along with tests of other elements higher in the hierarchy under which the account number falls (see Langhams column 3, lines 2-7). After the tests are performed, the computer will, depending upon the company's customized programming, generate a signal indicating the authorization request is either allowed or denied.

Gephart discloses a method and system for an account issuer to activate a limited-use account number for an individual account holder to make purchases and/or transactions for a specific amount of time or a specific number of transactions (see Gephart abstract, column 2, line 33 to column 3, line 11). Both Langhan and Gephart are motivated by providing distinct levels of security and protection of the account(s) from improper and/or fraudulent use and seeks to limit use and/or activity within each the systems based upon various criteria (see Langhan, column 1, lines 47-58; and Gephart column 2, lines 18-29). It is being maintained that the securities and protections from abuse and misuse of accounts required by the company in Langhan would also be desirable for someone having an individual account. Therefore it is maintained that it would have been obvious for an artisan at the time the invention was made to modify Langhan so as to allow account ownership for an individual so as to provide the individual with different levels of security to protect against fraudulent use of the account.

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Thus it is also submitted that as individual employees in Langham are provided with certain authorization codes that have limited capability for certain transactions, it would have been obvious to modify Langham with the consideration of an individual account, as disclosed in Gephart, to provide the individual accounts with the same security and protection.

In regards to the appellants assertion on page 11 of the appeal brief that the authorization code is different for *each* transaction and changes from one transaction to the next, it is maintained that at least claim 1 does not teach or claim this feature. The applicant cited in claim 1, “providing a plurality of authorization parameters available for use in calculating an authorization code associated with *a transaction* (emphasis added) to purchase the item.” It is maintained that “*a*” transaction can be interpreted differently than, as the appellant asserts (“*each*” transaction). For example, “a” transaction can mean “one” or “any” or “another” transaction (see definition of “a” from dictionary.com). Thus it maintained that the claim(s) has been given its broadest reasonable interpretation in light of the specification. It would seem in this case that the appellant is providing limitations from the specification into the claim language when the appellant asserts that the aforementioned limitation “indicates that the calculation authorization code is associated with each transaction to purchase an item, and must change with each new purchase” (see Appeal brief, page 12). It is maintained that the Examiner is prohibited from reading claim language from the specification into the claim. But when the appellant points to page 7, lines 5-11 in the specification to provide support to the position that the authorization code changes with each new purchase, there is still a level of uncertainty as how to interpret the appellant’s claims. For example, as cited and emphasized by the appellant,

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*“The authorization parameters are types of information that **may be used** to identify or distinguish between transactions.”*

It is maintained that the appellant’s recitation from the specification does not breath any life or shed light onto the appellant’s position because the statement is indefinite. The Examiner interprets the above statement to indicate that the authorization parameters are not required to distinguish between transactions, but are potentially used to identify transactions. It is also interpreted that “may be used” means the parameters do not have to be used to identify or distinguish between parameters, but that they can be used for some totally different purpose.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

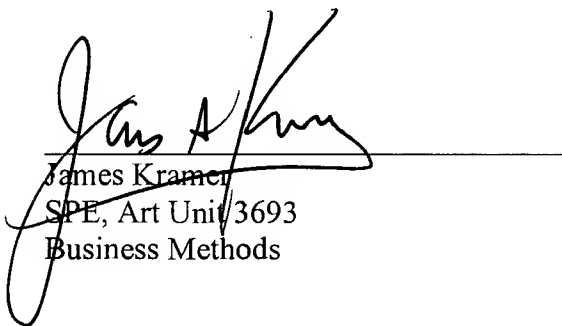


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